

AGENDA

FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR THE
CITY OF THORNE BAY, ALASKA
TUESDAY November 14th, 2023

TIME: 6:30 p.m.

THERE WILL BE A WORKSHOP BEGINNING AT 6:00PM

LOCATION: IN PERSON AT CITY HALL or TELECONFERENCE/VIDEO CONFERENCING LINE

Phone Number: 1- 650-479-3208 Meeting

Link:

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m99f71eee7f975b71d7ee0f9f7c5e44a1>

Meeting number: 2550 528 6984 Password [MghMxgJy424 \(64469459 from phones and video systems\)](#)

- 1) CALL TO ORDER:
- 2) PLEDGE TO FLAG:
- 3) ROLL CALL:
- 4) APPROVAL OF AGENDA:
- 5) MAYOR'S REPORT:
- 6) ADMINISTRATIVE REPORTS:
 - a) City Administrator:
- 7) PUBLIC COMMENTS:
- 8) COUNCIL COMMENTS:
- 9) CONSENT AGENDA:

a) MINUTES

- i.) Minutes of the October 16, 2023, Special City Council Meeting, discussion and action item:

10) NEW BUSINESS:

- a) **Resolution 23-11-14-01**, A Resolution of the City Council of Thorne Bay, Alaska, updating the authorized signers on the City of Thorne Bay checking and savings account with Tongass Federal Credit Union and the Wells Fargo Investments Money Market and bond accounts, discussion and action item:
- b) **Resolution 23-11-14-02**, A Resolution of the City Council for the City of Thorne Bay, Alaska, authorizing the purchase of a skid steer for the city of Thorne Bay, discussion and action item:
- c) **Resolution 23-11-14-03**, Certifying the results of the November 7, 2023, Thorne Bay Mayoral Election, discussion and action item: (last day to contest Election)

11) OATH OF OFFICE:

- a.) Mayor: Shane Nyquest

12) CONTINUATION OF PUBLIC COMMENT:

13) CONTINUATION OF COUNCIL COMMENT:

14) ADJOURNMENT:

POSTED: NOVEMBER 10TH

MINUTES

FOR THE SPECIAL MEETING
OF THE CITY COUNCIL FOR THE
CITY OF THORNE BAY, ALASKA
MONDAY, OCTOBER 16, 2023

TIME: 6:30 p.m.

THERE WAS A WORKSHOP BEGINNING AT 6:00PM

1) CALL TO ORDER:

Vice Mayor Hartwell called the meeting to order at 6:30 pm

2) PLEDGE TO FLAG:

The audience and council stood for the pledge to the flag.

3) OATH OF OFFICE:

The City Clerk read the Oath of Office for new Council Members, who were sworn in.

4) ROLL CALL:

Those present were: LaVoie, Burger, Hartwell, Nyquest, Oatman, Blair, & Kaer

5) APPROVAL OF AGENDA:

Hartwell moved to approve the agenda. Nyquest seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda
F/S: Hartwell/Nyquest
YEAS: Oatman, Blair, Hartwell, LaVoie, Burger, Nyquest, Kaer
NAYS: None
STATUS: Motion Passed.

6) MAYOR'S REPORT:

- a) **Hartwell** Reported that He would like to do something about the junk vehicles located on Rainy Lane or in the right of way. Will introduce an Ordinance for change. Commented that Cunningham called to talk about voting on Southside, claims many people did not vote from southside but he did not have time to research the comments presented to him or validity.

7) ADMINISTRATOR REPORT: No Report Given

8) CLERK'S REPORT: Included in Minutes packet.

9) DEPARTMENT REPORTS:

- a) **Water report:** see attached.
- b) **EMS Report & VPSO Report:** VPSO West reported that there were a combined 35 calls through the month, 13 law enforcement and the rest were EMS. 3 more ETTS added and a few more working on advancing current credentials. **VPSO West** reported that he and Matt Mendonsa passed the Fire side of training and more training for volunteer firefighters. Look for resources for fire prevention. Possible Rental of items to help residents, smoke alarm systems for residents. VPSOs will be going to training for 4 days (23rd – 27th) in Anchorage. Congratulations to new council members. **Hartwell commented CO2**

monitors are very important as well. Kaer questioned if there would be a volunteer squad to help elderly and that national code says you can't install daisy chain fire alarms. VPSO West clarified that one would be put into bypass that, and a volunteer could in fact install a fire alarm. Oatman commented that there are smoke alarms and co2 alarms rolled in. VPSO West responded with the price point and availability of both for funding.

10) PUBLIC COMMENTS:

- a) **Carrie Mercier** thanked Mr. Huestis for clearing the brush from the stairs so quickly.
- b) **Thom Cunningham** commented on the voting issue (Davidson Landing): Most frequent comment was that most people refused to drive into town to vote. Thought that it was taken care of when he was on council. Poll worker talked with Thom and reported that there was little turn out from Southside voters. Commented that he believes that it's ludicrous to choose a Vice Mayor before the Mayor. Congratulated new council members.

11) COUNCIL COMMENTS:

- a) **Kaer** commented that he was approached by 20 people who were not happy about the change in DL polling place. Nice to get clarification on changes.
- b) **Hartwell** responded that Goose Creek and Subdivision were combined in the DL voting. Further Clarified that a Resident put in a petition, it came to council and the people who attended spoke about wanting to vote in Thorne Bay. It wasn't about the money; it was done by the residents of the community who attended the meetings and spoke out.
- c) **Hartwell** instructed Kaer to talk with the City Clerk about an Agenda Item Request.
- d) **Oatman**
- e) **Nyquest** Congrats to new members.

12) CONSENT AGENDA:

a) MINUTES

- i. Minutes of the October 9, 2023, Regular City Council Meeting, discussion and action item:

Hartwell moved to approve the consent agenda, consisting of the minutes of the October 9, 2023, Regular City Council Meeting. Nyquest seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda, consisting of the minutes of the October 9, 2023, Regular City Council Meeting
F/S: Hartwell/Nyquest
YEAS: Kaer, Oatman, Hartwell, Blair, LaVoie, Burger, Nyquest
NAYS: None
STATUS: Motion Passed

13) NEW BUSINESS:

- a) Resolution 23-10-16-01, appointing a Vice Mayor for a one-year term expiring October 2024, discussion, and action item:

Hartwell moved to Resolution 23-10-16-01, appointing a Vice Mayor for a one-year term expiring October 2024. Nyquest seconded the motion.

MOTION: Move to approve Resolution 23-10-16-01, appointing a Vice Mayor for a one-year term expiring October 2024

F/S: Hartwell/Nyquest
YEAS: Oatman, Hartwell, Kaer LaVoie, Burger, Nyquest, Blair
NAYS: None
STATUS: Motion

In a blind vote, the Council voted as follows:

Burger 2
Oatman 3
No Vote 1

Mayor Burger voted over the phone, Oatman.

Total Votes for Vice Mayor,

Burger 2
Oatman 4
No Vote 1

Councilman Oatman signed the Oath of Office as Vice Mayor.

- b) **Resolution 23-10-16-02**, SISD Tideland Lease City Property – Renewal, , discussion, and action item:

Hartwell moved to approve Resolution 23-10-16-02, Renewal of the SISD Tidelands Lease of City Property. Nyquest seconded the motion. Discussion as follows:

Rod Morrison Commented the SISD’s intention is to sell the building and will continue the lease until sold. New tenants will need to get a lease with COTB.

Hartwell gave history on the buildings.

MOTION: Move to approve Resolution 23-10-16-02, Renewal of the SISD Tidelands Lease of City Property.
F/S: Burger/Hartwell
YEAS: Oatman, Blair, Hartwell, LaVoie, Burger, Nyquest, Kaer
NAYS: None
STATUS: Motion Passed

14) **ORDINANCES FOR PUBLIC HEARING: NONE**

15) **ORDINANCES FOR INTRODUCTION: NONE**

16) **CONTINUATION OF PUBLIC COMMENT:**

No public comment

17) **CONTINUATION OF COUNCIL COMMENT:**

18) **ADJOURNMENT:**

Vice Mayor Hartwell adjourned the meeting at 7:00 pm

Lee Burger, Mayor

ATTEST:

Caitlyn Sawyer, City Clerk/Treasurer



Hearing: November 14, 2023

Vote: ___ Yeas, ___ Nays, ___ Absent

**CITY OF THORNE BAY
RESOLUTION 23-11-14-01**

A RESOLUTION OF THE CITY COUNCIL OF THORNE BAY, ALASKA, UPDATING THE AUTHORIZED SIGNERS ON THE CITY OF THORNE BAY CHECKING AND SAVINGS ACCOUNT WITH TONGASS FEDERAL CREDIT UNION AND THE WELLS FARGO INVESTMENTS MONEY MARKET AND BOND ACCOUNTS

WHEREAS, the City Council is the governing body of Thorne Bay, Alaska; and

WHEREAS, Jeffrey 'Bubba' Oatman was appointed Vice Mayor on October 16th, 2023; and

WHEREAS, Shane Nyquest was elected Mayor of the City of Thorne Bay; and

WHEREAS, the City Council hereby updates the authorized signers for the City's Tongass Federal Credit Union & Wells Fargo Investments Account by adopting the following amendments:

TONGASS FEDERAL CHECKING ACCOUNT:

Removal of Authorized Signers:

- a. Lee Burger
- b. Rober Hartwell

2) Addition of Authorized Signer:

- a. Jeffrey 'Bubba' Oatman
- b. Shane Nyquest

WELLS FARGO INVESTMENTS ACCOUNT:

1) Removal of Authorized Signers:

- a. Lee Burger

2) Addition of Authorized Signers:

- a. Shane Nyquest

NOW, THEREFORE BE IT RESOLVED that the City Council for the City of Thorne Bay hereby approves the following named as account signers for the City of Thorne Bay's Tongass Federal Credit Union and Wells Fargo Investment Accounts:

TONGASS FERAL CREDIT UNION

- Shane Nyquest
- Jeffrey 'Bubba' Oatman
- John Huestis
- Caitlyn Sawyer
- Rose Mathis

WELLS FARGO INVESTMENTS

- Shane Nyquest
- John Huestis
- Caitlyn Sawyer
- Rose Mathis

PASSED AND APPROVED on 14th day of November 2023

ATTEST:

Shane Nyquest, Mayor

Caitlyn Sawyer, City Clerk/Treasurer



Sponsor:	<u>Mayor Lee Burger</u>
Adoption:	<u>November 14, 2023</u>
Vote:	___ Yeas, ___ Nays, ___ Absent

CITY OF THORNE BAY
RESOLUTION 23-11-14-02

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AUTHORIZING
THE PURCHASE OF AN ASV SKID STEER LOADER FOR THE CITY OF THORNE BAY FOR \$96,275

WHEREAS, the City Council is the governing body for the City of Thorne Bay; and

WHEREAS, Thorne Bay Municipal Code Chapter 3.12 Purchasing requires the City Council to approve all purchases above \$10,000; and

WHEREAS, The City solicited quotes from regional vendors for a new skid steer loader for the Solid Waste landfill operations and only received quotes from one Vendor that had a machine immediately available and the City entered into a lease agreement with the option to purchase from CMI; and

WHEREAS, at the time the City entered into the lease agreement, it was believed that the state would be providing funding to the City to complete the purchase from unspent ARPA funds but after months of waiting the state informed the City that they would not be providing these funds; and

WHEREAS, the City's lease option was only good for 4 months and expires on November 11, 2023 but has been extended while the City seeks to get the needed approvals to purchase the machine; and

WHEREAS, the City will have a continued need for this equipment for the foreseeable future with a current capacity at the landfill capable of supporting the City's municipal solid waste disposal needs for the next 50 years and the existing skid steer loader is approaching 30 years old and is unsafe; and

WHEREAS, the City has been approved for a loan to purchase the equipment from Kansas State Bank on a five-year contract with interest rates fixed at 5.81% with monthly payments of \$1,852.77 and no down payments since the previous rental of the machine is being applied to reduce the purchase price by \$13,620 and the Solid Waste Utility can afford these payments; and

WHEREAS, considering cost, size, location, condition, history, and anticipated longevity, it is recommended that the city pursue acquisition of this equipment from Construction Machinery Industrial, for \$95,880 plus a \$395 document fee for a total of \$96,275, and authorizes the city administrator to execute a purchase contract to finance this equipment for a term not to exceed 60 months.

NOW THEREFORE, BE IT RESOLVED by the City Council of Thorne Bay, Alaska, as follows:

SECTION ONE: The City wishes to purchase an ASV SKID STEER loader that meets the following Specifications:

1. **Year and Make:** 2023 ASV Compact Track Loader
2. **Model:** RT75
3. **Hours:** 6.5 at rental
4. **Condition:** NEW
5. **Serial Number:** ASVRT075TPDS05050
6. **Weight:** Approximately 9,100 lbs.
7. **Accessories:** Bucket and Forks

SECTION TWO: The City finds that the proposed price of \$96,275.00 for the purchase of a 2023 Skid Steer from Construction Machinery Industrial is a good value and is absolutely needed for continuity of operations at the City's Solid Waste Landfill and hereby authorizes the city administrator to execute the necessary contracts to secure the purchase of the 2023 Skid Steer.

SECTION THREE: The cost of purchasing this equipment shall be paid over a term not to exceed 60 months, at an interest rate and with a down payment to be negotiated in the best interest of the city by the city administrator.

PASSED AND APPROVED by a duly constituted quorum this 14th day of November 2023.

Shane Nyquest, Mayor

ATTEST:

Caitlyn Sawyer, City Clerk/Treasurer

PURCHASE OPTION

This Purchase Option is entered into 7/14/2023, between Construction Machinery Industrial, LLC as Seller and City of Thorne Bay as Buyer. The parties hereto have entered a certain Equipment Lease # 41372 dated 7/14/2023, in which Seller and Buyer appear as "Lessor" and "Lessee" respectively, and in which Seller has leased certain equipment known as:

**One (1) Qty. ASV Compact Track Loader CMI Unit #AS0104 with S/N ASVRT075TPDS05050
Equipped With:**

ASV Bucket CMI Unit #BC5648 with S/N 3008287

Bobcat Forks CMI Unit #BC5755 with S/N 2969313 Part #7294332

For a Guaranteed Rental Period of 4 months, beginning 7-14-2023, and ending 11-11-2023.

Said Equipment Lease is hereby incorporated herein and made a part hereof as is set forth in full.

It is hereby agreed by the parties hereto that Buyer shall have an Option to Purchase said equipment upon the terms and subject to the conditions set forth hereinafter:

Buyer is hereby granted an Option to Purchase said equipment at any time during the Guaranteed Rental Period hereof. If Buyer desires to exercise said Option, he must notify Seller of his intent in writing at least thirty (30) days prior to the termination of said Guaranteed Rental Period.

Said Option shall be automatically withdrawn and cancelled if any payments or other charges then due and owing under the terms of the lease referred to hereinabove have not been paid in full or if Buyer is then in default under any of the other terms or conditions of said lease.

The purchase price of said equipment due upon the exercise of said Option shall be \$ 109,500.00, which the parties agree is, and will during the Guaranteed Rental Period be, the actual fair market value of said equipment, together with all applicable sales or use taxes and applicable personal property taxes or license fees; provided, however, that Buyer shall receive credit for 100% of all rental payments made under the terms of said Equipment Lease during said Guaranteed Rental Period, less an option charge equal to 1% per month, based on the original sales price, also equal to \$ 1,095.00 per month.

Unless otherwise agreed upon in writing by an officer of Seller, this Purchase Option shall be void and of no further effect if, for any reason, it is not exercised by Buyer during the Guaranteed Rental Period, regardless of whether or not the equipment lease is extended beyond said Guaranteed Rental Period.

In the event this option is exercised by Buyer, the sale of the equipment shall be further governed by the general terms and conditions on the reverse side hereof.

(Seller)
Construction Machinery Industrial, LLC

(Buyer)
City of Thorne Bay

X Eric W. Cole
Print Name: Eric W. Cole

X John W. Huestis July 14, 2023
(Signature of Individual, Authorized Signor)

CMI Title: Equipment Sales & Rentals

Title: City of Thorne Bay Administrator



Current 31 year old skid steer loader – notice open cab and condition.



Another angle of the old worn out, 31 year old, skid steer loader – notice open cab and condition.



Brand-new Skid steer loader for Thorne Bay Solid Waste – notice enclosed cab for safety of operators.



Another angle of the brand-new Skid steer loader for Thorne Bay Solid Waste – notice enclosed cab.



Sponsor: Lee Burger
Introduction: November 7, 2023
Vote: ___ Yeas, ___ Nays, ___ Absent

**RESOLUTION 23-11-14-03
CITY OF THORNE BAY**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY CERTIFYING THE
ELECTION RESULTS AND ALL PROCEEDINGS IN THE NOVEMBER 7TH MAYORAL ELECTION**

WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and

WHEREAS, the City held a Mayoral Election on November 7, 2023, for the purpose of electing a new Mayor; and

WHEREAS, notice of the City Election was duly given per the Thorne Bay Municipal Code Chapter 2.28-Elections; and

WHEREAS, the City Council received from the City Clerk, a Canvass Report and Certificate of Results of Mayoral Election ("Certificate of Election"); and

WHEREAS, there were a total of one hundred twenty-seven (127) votes cast and counted during the November 7, Mayoral Election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THORNE BAY DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. That the minutes of the November 14th, 2023, Council Meeting, reflect that the City Council certified the Election Results, reflecting a total of 127 votes cast, counted and reflected in the Certificate of the Election.

Section 2. That all proceedings in connection with the Mayoral Election have been accomplished according to law and the City Clerk is, hereby authorized and directed to deliver, or arrange for delivery of, a copy of the Certificate of Election to the newly elected Mayor.

PASSED and ADOPTED this 14th day of November 2023, by a duly constituted quorum of the City Council for the City of Thorne Bay, Alaska.

ATTEST:

Lee Burger, Mayor

Caitlyn Sawyer, City Clerk/Treasurer



City of Thorne Bay, Alaska
CERTIFICATE OF ELECTION

THIS IS TO CERTIFY that on the 7th day of November 2023, the City of Thorne Bay, Alaska, held a Mayoral Election for the purpose of electing the Mayor of Thorne Bay for a term of **two years** or the remainder of the term of the council seat, whichever is less.

As confirmed by the Thorne Bay City Council, upon completion of the final canvass of ballots on the 10th day of November 2023, final election results are:

Mayor: (2-Year Term)

Robert Hartwell 27 Votes

Shane Nyquest 57 Votes

Jeffrey "Bubba" Oatman 43 Votes

With a vote of 57, Shane Nyquest is hereby elected as Mayor of Thorne Bay for a term of 2-years or the remainder of the term of the council seat, whichever is less.

The results of the November 7, 2023, Mayoral Election, are hereby Certified by a duly constituted quorum of the City Council for the City of Thorne Bay, Alaska, and Shane Nyquest is declared Mayor of Thorne Bay for the remainder of his term in office Expiring October 2024

DATED this 14th day of November 2023, at Thorne Bay, Alaska

ATTEST:

Shane Nyquest, Mayor

Caitlyn Sawyer, City Clerk

MAYORAL ELECTION NOVEMBER 7, 2023

TOTAL VOTES CAST: 130

TOTAL VOTES CAST AT POLLS: 120

TOTAL VOTES QUESTIONED AT POLLS: 3

TOTAL VOTES CAST AT POLLS: 123

TOTAL VOTES ABSENTEE IN PERSON: 7

TOTAL VOTES ABSENTEE MAIL: 0

TOTAL VOTES SPOILED ABSENTEE: 0

TOTAL ABSENTEE BALLOTS IN PERSON, SPOILED AND BY MAIL: 7

TOTAL QUESTIONED VOTES COUNTED FROM POLLS: 0

TOTAL QUESTIONED BALLOTS TO BE COUNTED: 0

TOTAL VOTES COUNTED AT THE POLLS : 120
November 7, 2023

TOTAL VOTES COUNTED AT CANVASS: 7
November 10, 2023

TOTAL VOTES COUNTED: 127

TOTAL VOTES NOT COUNTED: 3

3 Questioned Ballots not counted – Not-Registered Voters as of October 12, 2023

0 Absentee by Mail not returned to City Clerk

MAYOR:	<u>Results from Polls</u>	<u>Canvass Results</u>	<u>Total Votes</u>
Robert Hartwell:	25	2	27
Shane Nyquest:	54	3	57
Jeffrey “Bubba” Oatman:	41	2	43
(Write In & Blank Ballot Votes)	<u>0</u>		
